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WILLIE REED

A witness introduced for and on behalf of the State, being first duly sworn, upon his oath testified as follows:

DIRECT EXAMINATION

BY MR. SMITH:

Q Your name is Willie Reed?

A Yes, Sir.

Q Where do you live, Willie?

A I live on Mr. Clint Sheridan's.

Q You live on Mr. Clint Sheridan's place?

A Yes, Sir.

Q How old are you, Willie?

A Eighteen.

Q Do you know Mr. Leslie Milam?

A Yes, Sir.

Q Do you know Mr. J. W. Milam when you see him?

A Yes, Sir.

Q Do you see him here in the courtroom?

A Yes, Sir.

Q Will you point him out, please, sir?

A He is sitting right over there (pointing with his hand).

Q The man, I believe, that you pointed out, is the bald-headed man, is that right?

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A Yes, Sir.

Q Now, Willie, going back to Sunday, the 28th of August of this year, did you see Mr. J.W. Milam at any time during that day?

A Yes, Sir.

Q Where did you see Mr. Milam?

A I seen him - - when I seen him he was coming to the well.

Q What well?

A The well from the barn over on Mr. Milam's place.

Q You saw him coming to a well, is that right?

A Yes, Sir.

Q And on whose place was that well?

A It was on the place that Mr. Milam owned.

Q Do you mean Mr. Leslie Milam?

A Yes, Sir.

Q Does Mr. Leslie Milam operate the place that the well is on where you saw Mr. J.W. Milam that morning?

A Yes, Sir.

Q What is the relationship between Mr. Leslie Milam and Mr. J.W. Milam?

A Well, I heard some say he was a brother.

MR. BRELAND: We object to what he heard.

THE COURT: If he knows he can testify to that.

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Q Do you know whether they are - - well, do you know what relation they are to each other, whether they are cousins or brothers? That is, if you know?

A No, Sir, I don't know.

Q Where do you live k, Willie? Who do you live with?

A Mr. Clint Sheridan.

Q I mean who is in your home there with you?

A My grandfather.

Q What is his name?

A Add Reed.

Q On that particular Sunday morning, did you leave your home there where you are living?

A Yes, Sir.

Q And about - - approximately what time did you leave?

A Between six and seven.

Q And where were you going?

A To the store.

Q To what store?

A Mr. Glenn Patterson's.

Q You were going to Mr. Glenn Patterson's store?

A Yes, Sir.

Q Which direction is that store from where you live?

A North.

Q And in going to that store, state whether or not

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it is necessary for you to pass by Mr. Leslie Milam's house?

MR. BRELAND: We object to the leading form of the questions.

THE COURT: The question is leading. See if you can ask him without leading the witness.

Q In going from your house to the store, what place do you have to pass by?

A I pass by Mr. Milam's.

Q Then Mr. Milam lives out there, does he?

A Yes, Sir.

Q That is Mr. Leslie Milam, is that right?

A Yes, Sir.

Q And not Mr. J.W. Milam?

A No, Sir.

Q Is there any shed, or barn or other building on the place there?

A Yes, Sir.

Q What kind of a building was that?

A Green.

Q Well, what kind of a building was it? Will you tell the jury what kind of a building it was?

A It was a barn.

Q A barn?

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A Yes, Sir.

Q Did it have any open sheds, or was there a door, or what?

A Yes, Sir, it had some doors there.

Q Now, Willie, as you went from your house to the store that morning, did you see anyone in or around or about Mr. Leslie Milam's house, or in the road going towards the house?

A No, sir.

Q As you came up towards Mr. Milam's house, did you see anyone out there?

A I didn't see anyone out around the barn. But I seen the truck when it passed by me.

Q A truck passed by you?

A Yes, Sir.

Q What kind of a truck was it?

A Green and white.

Q It was green where and white where? How was it colored?

A The top was white.

Q And what was green?

A The body was green.

Q It was a truck with the body green and a top white, is that it?

A Yes, Sir.

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Q And what kind of a truck was that?

A It was a '55 Chevrolet.

Q And who, if anyone, was in that truck that you saw?

A Well, when the truck passed by me I seen four white mens in the cab and three colored mens in the back. And I seen somebody sitting down in the truck back there.

Q You say you saw some white men in the cab?

A Yes, Sir.

Q And you also saw three colored men in the back there, in the back end?

A Yes, Sir.

Q And you say there was somebody down in the back end of the truck?

A Yes, Sir. I seen apother colored boy.

Q There was one colored fellow sitting down on the bottom of the truck in the back, is that right?

A Yes, Sir.

Q And how were those colored men sitting in the truck?

A Well, they was - - they had the back turned to me, sitting up in the truck there. And the other one was down in the truck.

Q Were they sitting up on the sides in the back?

A Yes, Sir.

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Q And the other one was sitting down in the bottom of the truck, is that right?

A Yes, Sir.

Q How close did you get to that truck?

A I was about as far as from here to the door back there (pointing with his hand).

Q Well, how far would you say that was? Would that be fifty feet?

A It may be. I don't know.

Q Did you have an opportunity there when you saw this truck to look at these people and see their features and so forth?

A No, Sir. I wasn't thinking nothing like that was going to happen.

Q You did see the people there, though, did you?

A No, Sir.

Q Well, I believe you said you saw the people in the truck, didn't you?

A Yes, Sir.

Q Now, later on did you recognize a photograph or anything that indicated to you who the one sitting down in the back end of that truck was?

A Well, when I looked at this paper, I was sure - - well, I seen it, and it seemed like I seen this boy someplace else before. And I looked at it and tried to

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remember, and then it come back to my memory that this was the same one I seen in the paper.

Q And was that Emmett Till?

A I don't know if that was him, but the picture favored him.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained unless it is connected, of course.

Q Now, did the picture you saw in the paper of Emmett Till - - -

MR. BRELAND: We object, Your Honor. That is certainly leading the witness.

THE COURT: It is highly leading.

Q Do you know who that was in the back end of the truck sitting down back there?

A No, Sir. But the boy that was sitting in the back of the truck favored the boy that I seen in the paper.

MR. BRELAND: We object to that, Your Honor.

THE COURT: The objection is sustained.

MR. SMITH: I think it is highly competent.

THE COURT: There are a lot of things I think is wrong with that identification. And I think we are delving in the realm of hearsay there.

Q What did you do after you saw that truck come in there?

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A Well, I come on by the barn.

Q When you came by the barn, did you hear or see anything there at that time?

A I heard something.

Q And what did you hear?

A It was like somebody shipping somebody.

MR. BRELAND: We object to that.

THE COURT: The objection is sustained.

Q Willie, I have a picture here that has been offered as Exhibit 1 to the testimony of Mrs. Mamie Bradley for purposes of identification - - -

MR. BRELAND: We object, Your Honor. That is not in evidence here.

THE COURT: It has been offered or introduced for purposes of identification, and it may be used as such.

Q Now I ask you to look at that picture, and I ask you whether or not, does that or does that not resemble the person you saw sitting there in the back of that truck on that particular day?

MR. BRELAND: We object, Your Honor.

THE COURT: The objection is sustained.

Q Is that the boy you saw in the back of that truck?

MR. BRELAND: We object.

THE COURT: The objection is sustained. But you can

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ask him if he had ever seen that boy before.

Q Have you ever seen that boy before?

A It is a picture of the boy I seen on the back of the truck.

MR. BRELAND: If the Court please, we object to that because he hasn't identified the person he saw, and he didn't even know him. And we don't think the witness has been qualified to answer that particular question.

THE COURT: I believe the witness has stated that the picture here which has been offered for identification purposes as a picture of Emmett Till during his lifetime is the boy that he saw in the back of the truck that morning.

Q Now what happened with that truck? What did they do with the truck, Willie?

A The truck was setting in front of the barn there when I went on up to the next house, up to Miss Mandy's house. And I asked her - - -

MR. BRELAND: We object to that, Your Honor.

THE COURT: Don't repeat anything you said to anybody or anything that was said to you by anybody.

Q As you passed the barn, I believe you said the truck was setting out in front of the barn, is that right?

A Yes, Sir.

Q Was anyone in the truck then?

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A No, Sir.

Q Did you see anyone in or about the barn?

A No, Sir.

Q Did you hear or see anything as you went by the barn?

A Yes, Sir. I heard.

MR. BRELAND: We object to what he heard.

THE COURT: The objection is sustained.

MR. SMITH: Just for my guidance, Your Honor, I would like to know the ground for his objection.

THE COURT: As far as I can see, these defendants have not been connected with the incident in any way.

Q Now, later on in the morning, did you see Mr. J. W. Milam out there?

A Yes, Sir.

Q Where did you see him?

A Well, when I passed by he came out by the barn to the well.

Q and was that Mr. J. W. Milam, the man who is sitting over there (pointing to the defendant, Mr. Milam)?

A Yes, Sir.

Q Will you state whether he had anything unusual on about his person?

A Yes, Sir.

Q What did he have?

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A He had on a gun.

Q Was it a pistol, a rifle, or a shotgun?

A He had on a pistol. He had it on his belt.

Q And what did Mr. J.W. Milam do when you saw him?

A He just came to the well and got a drink of water.

Q What did he do then?

A Then he went back to the barn.

Q And as you passed the barn, did you hear or see anything?

MR. BRELAND: We object, Your Honor.

MR. SMITH: If Your Honor please, I believe we have got the defendant right there, going in and out of the barn.

THE COURT: I don't think it has been connected sufficiently, Mr. Smith.

Q Just where did Mr. Milam come from when you saw him that morning?

A He came from the barn.

Q And where did he go when he left there? After he got a drink of water and left the well, where did he go then?

A He went back to the barn.

Q Did you hear or see anything as you passed the barn?

MR. CARLTON: We object, Your Honor.

THE COURT: I think he has got it straight now. I will overrule the objection.

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Q Did you see or hear anything as you passed the barn?

A I heard somebody hollering, and I heard some licks like somebody was whipping somebody.

Q You heard some licks, and you also heard somebody hollering, is that right?

A Yes, Sir.

Q What was that person hollering?

A He was just hollering, "Oh."

Q You heard someone hollering "Oh", is that right?

A Yes, Sir.

Q Did they holler once or was it more than once, or was it two or three times, or what?

A They hollered more than once.

Q And what about the licks? Was it just one lick you heard, or was it two, or were there several licks?

A There was a whole lot of them.

Q You heard a whole lot of licks?

A Yes, Sir.

Q And was that a human being you heard or was it some kind of animal?

A Well, it sounded like a human being.

Q When you went on down the road, then where did you go, Willie?

A Well, I went on down and stopped there at Miss Mandy's

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home.

Q And that was Mandy who?

A Bradley.

Q What did you do then?

A Well, she told me to come back to the well.

MR. BRELAND: We object to any conversation there,

Your Honor.

THE COURT: Don't state what anybody said.

Q All right, Willie, where did you go then?

A To the store.

Q And after you left Mandy's house the first time where did you go?

A I came to the well.

Q You came to the well?

A Yes, Sir.

Q And what did you come to the well for?

A I came to get her a bucket of water.

Q And did you hear or see anything while you were down there at the well?

A I could still hear somebody hollering.

MR. CARLTON: We object to that, Your Honor.

THE COURT: I think the objection is well taken.

Q Where did the hollering apparently come from?

A From the barn.

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Q And where did you go after you left the well?

A I went to the store.

Q And then what did you do?

A I don't understand what you are talking about now.

Q I said, what did you do after you went to the store?

A I came back home and got ready and then I went to Sunday School.

Q And on your way back from the store, did you see or hear anything then?

A No, Sir.

MR. BRELAND: We object to this repetition. He has asked that one time before.

THE COURT: I will let him answer the question.

Q On the way back, did you hear or see anything, or hear or see anybody?

A No, Sir, I didn't see anything. They were gone.

Q Was the truck gone?

A Yes, Sir.

MR. SMITH: Take the witness.

MR. BRELAND: I want to make a motion, Your Honor. And we don't ask that the jury retire at this time. But the defendants move to exclude the testimony offered by this witness, for the first reason that there is no sufficient connection between what he relates from the witness stand

and these two defendants.

And second, that there has been no sufficient identification by this witness of Emmett Till, the party named in the indictment.

And third, there is no sufficient connection between the happenings or occurrences related by the witness and the body of the person that was taken from the Tallahassee River which was alleged to be that of Emmett Till.

THE COURT: That motion will be overruled.

MR. SMITH: One further question, if the Court please.

Q Willie, do you remember what Sunday that was?

A Yes, Sir.

Q What was it?

A Do I remember what Sunday it was?

Q Yes.

A It was on the fourth Sunday.

Q On the fourth Sunday of what month?

A Of August.

Q August of this year?

A Yes, Sir.

MR. SMITH: Take the witness.

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CROSS EXAMINATION

BY MR. KELLUM:

Q I believe you stated your name is Willie Reed?

A Yes, Sir.

Q How old are you, Willie?

A Eighteen.

Q Are you going to school now, Willie?

A Yes, Sir.

Q What grade are you in?

A Ninth.

Q You are in the ninth grade?

A Yes, Sir.

Q On August 28th, when you say you saw this truck, was that the first time you had ever seen this truck?

A Yes, Sir. it was the first time I ever seen it.

Q That was the first time you ever seen it?

A Yes, Sir.

Q How far do you live from Glendora and Money?

A I wouldn't know, Sir. I live a good ways.

Q Do you know Mr. Leslie Milam?

A Yes, Sir.

Q And do you know Mr. J.W. Milam?

A Yes, Sir, I know him.

Q How many times have you seen Mr. J.W. Milam before

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Sunday, that last Sunday in August of this year?

A I seen him about three or four times.

Q You saw Mr. J.W. Milam about three or four times before that?

A Yes, Sir.

Q And where did you see him?

A Well, I seen him once when he came over to Mr. Milam's.

Q When you first saw the truck on that Sunday morning, which direction was the truck going in?

A It was coming south, and then it turned and went north.

Q Which direction were you going?

A I was going east, and then I turned and went north.

Q When the truck passed you, how far were you from the truck?

A About as far as from here to the door (pointing with his hand).

Q You say you were as far as from here to that door?

A Yes, Sir.

Q Was the side of the truck that has the driver in it the side that was close to you?

A Yes, Sir.

Q And who was driving the truck?

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A I didn't pay much attention who was driving the truck.

Q Was Mr. J.W. Milam driving the truck?

A I didn't notice who was driving. I didn't pay attention.

Q Did you see Mr. Milam there in the truck?

A I didn't see him in the truck but I seen him over by the barn.

Q But you didn't see him in the truck?

A No, Sir.

Q Have you ever seen Emmett Till in his lifetime?

A Well, Sunday morning was the first time I seen him.

Q But you never had seen him prior to that time?

A No, Sir.

Q And you don't know whether that was Emmett Till or not, do you?

A Well, he favored the picture I just looked at.

Q When was the first time that picture was shown to you?

A The first time the picture was showed to me?

Q Yes.

A Well, I seen it in the paper.

MR. BRELAND: We object to any picture he saw in the

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paper.

THE COURT: The witness is answering in response to the gentleman's question.

Q And you say you had never seen this boy before?

A No, Sir.

Q How far were you from the truck when the truck passed by?

A About as far as from here to the door (pointing with his hand).

Q And that truck was coming from what direction?

A It was coming from the east, headed towards the south, and then it turned.

Q Is that a straight road there?

A Yes, Sir.

Q There is no bend in the road at all?

A Yes, Sir, there is a bend in the road, and when the truck got to the bend, then it turned off on that little old hill and went north.

Q Is that a paved road or dirt road?

A It was a gravel road.

Q How fast would you say the truck was going?

A I wouldn't know, Sir.

Q Was it going fast enough to stir up any dust?

A It had dust, but I don't know how fast he was

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driving.

Q And you were walking in the same direction that the truck was going?

A I was meeting the truck and then it turned right off there at the hill where I was supposed to go down the hill, too.

Q When the truck turned, it was going in which direction then?

A North.

Q And on what side of that road were you walking?

A I was on the right-hand side.

Q You were on the right-hand side?

A I was going down the hill.

Q And you were on the same side that the driver of the truck was on?

A Yes, Sir.

Q And how many men were in that truck?

A Four.

Q Four men?

A Yes, Sir.

Q And did you recognize that Mr. Milam was in the truck there as one of the four men you saw?

A I didn't pay too much attention to them inside the truck. I just looked at the ones in the back.

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Q But you didn't pay any attention to the men who were inside the truck?

A No, Sir.

Q Then you wouldn't say that Mr. Milam was inside the truck?

A No, Sir, I wouldn't say that.

Q And on the back of the truck, you remember seeing one person that you say was Emmett Till?

A Yes, Sir.

Q And who was the other person on the back of the truck with Emmett Till?

A I never had seen them before.

Q Do you know who the third party was in the back of the truck?

A No, Sir.

Q Where they about the same size as Emmett Till?

A No, Sir.

Q Well, were they larger or smaller?

A Larger than he was.

Q Were these three parties sitting on the back of the truck there, were they on the side of the truck or down on the floor of the truck?

A They was sitting up on the side of the truck.

Q All three of them?

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A Three of them was and one was sitting in the floor of the truck.

Q One was sitting in the floor of the truck?

A Yes, Sir.

Q Now, on which side of the truck were those three sitting who you say were on the side of the truck? Were they on the right-hand side or the left-hand side of the truck?

A They was sitting on the driver's side.

Q Were they on the same side that you were on, since you say you were walking on the driver's side when the truck passed you?

A Yes, Sir.

Q Were they sitting close together?

A Yes, Sir, sitting pretty close together.

Q They were pretty close together, were they?

A Yes, Sir.

Q But Till was on the floor, or the third party you thought was Till was on the floor, is that right?

A Yes, Sir.

Q Now, the side of that truck is about a foot or eighteen inches high from the floor, is it not?

A I wouldn't know how high.

Q You wouldn't know how high the side of the truck is?

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A No, Sir.

Q And yet when the truck passed by you, and you say there were two men sitting on the side of it, you were able to notice the third party that was sitting in the floor of the truck?

A There were three men sitting up on the side of the truck.

Q How many men were sitting on the side?

A Three.

Q Then you saw three men on the side of the truck, and there was one on the floor, which makes four men in the back of the truck is that right?

A Yes, Sir.

Q This fourth person you say you saw there, have you been able to recognize him since that day?

A I don't understand.

Q The fourth man you mentioned there, have you seen him since that time?

MR. SMITH: If the Court please, anyone of them could be the fourth man. I wish you would have him identify him.

THE COURT: Yes - - will you have him identify any one of them Mr. Kellum.

Q Willie, how far do you live from this barn or shed that you mentioned?

A I don't know, but I don't live too far down.

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Q Would you say you lived a quarter of a mile away or a half a mile?

A I just wouldn't know how far.

Q When you passed by this shed or barn, how far were you from the barn?

A Well, I wouldn't know, Sir, just how far I was from the barn. But I wasn't too far from it.

Q Well, how many steps would it be from this spot where you passed by the barn over to the barn?

A I wouldn't know, Sir.

Q Well, would you say it was a hundred yards?

A I just wouldn't know how far it was.

Q You don't know how far it was?

A No, Sir.

Q When you first saw this person that you thought was Mr. Milam, then how far from him were you?

MR. CHATHAM: We object to the use of the word "thought".

THE COURT: I think it would be better to ask the question about the person that he testified to was Mr. Milam.

Q This person that you testified to was Mr. Milam, he was how far from you when you first saw him?

A I wouldn't say how far because I wouldn't know.

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Q Then you don't know whether you were one hundred yards away, or two hundred yards, or five hundred yards away from him?

A No, Sir.

Q Just what attracted your attention there for you to notice him at all?

A Sir?

Q What made you notice him at all?

A Well, I don't understand what you are talking about.

Q Was it a usual thing for people to go out to the well and get water to drink?

A Yes, Sir.

Q And was this person you identified as Mr. Milam at the well?

A Yes, Sir.

Q And at that time you were on the road, is that right?

A Yes, Sir.

Q How far is that well from the road?

A Oh, it is just - - you see, I had passed the well. The road is right by the well, but I was going down the road then.

Q You had already passed the well?

A Yes, Sir.

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Q And then, I suppose, you turned around and looked to see this person that you identified as Mr. Milam going to the well, is that it?

A Yes, Sir.

Q How far were you beyond the well when you turned around?

A I wouldn't know, Sir.

Q Well, what caused you to turn around and look towards the well?

A Well, I just looked back there, and I seen him when he came to the well.

Q Now, Willie, you discussed this matter with two or three lawyers over across the street in the law office over there yesterday or two days before, isn't that right?

A Yesterday.

Q And did you tell the lawyers at that time that it was at least three hundred yards away?

MR. SMITH: We object to that unless you state who it was.

Q Do you remember that I was in the room at the time?

A Yes, Sir.

Q And do you remember that this gentleman here was in the room (indicating one of the defense counsel)?

A Yes, Sir.

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Q And do you recall that this gentleman here was in the room then (indicating another defense counsel)?

A Yes, Sir.

Q And do you remember these two gentlemen here (indicating two other defense counsel)?

A Yes, Sir.

Q And you were there talking to all of us, were you not?

A Yes, Sir.

Q And do you remember when this gentleman here (indicating one of the counsel) asked you how far it was from the well to where you were, and you replied that it was at least four hundred yards?

A Yes, Sir, I said that.

Q You said that, did you?

A Yes, Sir.

Q Well, then how far was it to the well from the barn?

A The well wasn't too far from the barn.

Q Was the well as far from the barn as you were from the well?

A Yes, Sir.

Q And I believe you stated you heard something that sounded like licks there in the barn?

A Yes, Sir.

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Q But you didn't see anybody in the barn at all, did you?

A No, sir.

Q And you don't know whether that was somebody hammering there, trying to fix a wagon or a car, or something like that, do you?

A It was somebody whipping somebody.

MR. BRELAND: We object to the conclusion of the witness.

THE COURT: The objection is sustained. But you will have to be careful in objecting to answers to your own counsel's questions.

Q And you don't know what caused the noise there, and you couldn't see, could you?

A No, sir.

Q And you don't know who was in the barn because you never did look into the barn, did you?

A No, Sir.

Q And you don't know whether Mr. Milam was in the barn or not, do you?

A I seen Mr. "J.W." when he left the barn.

Q But you didn't see him in the barn, did you?

A No, Sir. But I seen him when he left the barn and went to the well, and then I seen him when he went back

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towards it.

Q But you don't know whether he went in the barn or behind the barn, do you?

A No, Sir. He was headed straight to the front of the barn.

Q And also, if all of the people on the truck were in the barn, then that would make eight, is that right?

A Yes, Sir.

Q That is, four white men and four colored men?

A Yes, Sir.

Q And you weren't able to understand anything that was said in the barn at all?

A No, Sir.

Q Did you report this to anybody after you left there that day?

A Well, I was talking with the grandfather.

Q You talked to your grandfather about it?

A Yes, Sir.

Q But you had never seen either of the men other than Till and Mr. J.W. Milam before?

A No, Sir.

Q And even though the truck passed you, and you were on the right side of the truck, facing the truck you say you saw three men sitting up on the side of the truck in the

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back of it, is that right?

A Yes, Sir.

Q And you were still able to recognize a person sitting down in the bottom of the truck?

A Yes, Sir, because he was sitting with his back to the cab and his face was facing me because he passed right by me. And I could see his face.

Q Willie, when this truck passed you, it was going in one direction and you were going in the opposite direction, isn't that correct?

A Yes, Sir.

Q In other words, you were meeting the truck as it was coming towards you, is that right?

A Yes, Sir.

Q Did you not make the statement in this law office the day before yesterday, or yesterday, that when the truck passed you, it was going real fast?

A It was going real fast when I first seen it. It was coming down the main road then. But when he got to the hill, there where he was supposed to turn off, then he checked up on the speed.

Q How far were you from the hill?

A I wouldn't know, but about as far as from here to the door.

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MR. KELLUM: That is all.

REDIRECT EXAMINATION

BY MR. SMITH:

Q Willie, you testified that these five lawyers had you over here in the office across the street yesterday, and that you made the statement to them that you saw Mr. J.W. Milam come out to the well, and that you were about three hundred or four hundred yards away.

Now, did you put that estimate on the distance, or did these lawyers ask you if it was three or four hundred yards away?

A Well, they asked me how far it was, and I told them that I didn't know, but I reckon it was about four hundred yards maybe.

Q Have you ever been in the barn or shed there?

A Yes, Sir. I once been in there.

Q You have?

A Yes, Sir.

Q Who has control of that barn or shed? Whose place is it on?

A I wouldn't know, Sir.

Q Well, who operates the place there? Who lives there next to the barn?

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A Mr. Leslie Milam.

Q How far is it from the barn or shed - - whichever one it is - - to Mr. Leslie Milam's house?

A Well, I really wouldn't know.

Q Can you point out something, anything here that you can point out, to show us the distance from the house to the barn?

A Well, about as far as from here to the outside there (pointing with his hand).

Q As far as from here to the outside over there?

A Yes, Sir.

Q And what would you say that is? Would you say that is fifty, sixty or seventy yards?

MR. BRELAND: We object to his leading the witness.

THE COURT: The objection is overruled. The witness may answer if he knows.

Q Well, is it fifty, sixty or seventy yards? Would you say it was something like that?

MR. BRELAND: We object to the leading form of the question.

THE COURT: The objection is overruled.

Q Willie, will you tell us, was it fifty, sixty or seventy yards away, or just how far was it? That is, what distance is it that you have pointed out to us there?

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A I just really wouldn't know.

Q In other words, you wouldn't know how to put the yardage on it, is that right?

A Yes, Sir.

Q Now, I want to ask you, as you testified awhile ago that you saw a man that you identified as Mr. J.W. Milam come out of the barn and go to the well, and then go back towards the barn, did you see him before you heard some noise in the barn and some hollering in there, or was it after you heard that?

A After I heard it.

Q You saw him there after you heard it, is that right?

A Yes, Sir.

MR. SMITH: That is all.

MR. BRELAND: That is all, Your Honor. But I would like to ask that the jury be retired as we would like to make a motion.

THE COURT: All right, Sir. The jury will step back into the jury room.

(The jury retired to the jury room, and the proceedings continued in the absence of the jury.)

(WITNESS EXCUSED).